

REMARKS

Claims 1-22 are pending. Claims 5-13 and 15-22 are withdrawn as allegedly being drawn to a non-elected invention. Claims 1-3 and 14-19 have been amended. Specifically, claims 1 and 19 have been amended to recite "heterocyclyl" in the definition of variables R₁-R₁₂ and to recite "has" in place of "contains" when referring to the number of double bonds or heteroatoms in the heterocyclic ring. Claims 2-3 have been amended to remove the recitation of "N-oxides." Claims 14-18 have been amended to recite the definition of the compound of formula I. Claim 14 has been further amended to recite "a pharmaceutically acceptable carrier." Support for these amendments can be found in the claims as originally filed. Support for the amendments to claim 14 can also be found in the specification, for example, at page 9, lines 10-12. No new matter has been added by way of these amendments.

Restriction Requirement

Applicants thank the Examiner for withdrawing her restriction requirement between the different groups of the compounds of claims 1-4 and 14. Applicants have amended claims 1, 14 and 19 to reflect the partial withdrawal of the requirement.

Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 1-4 and 14 as allegedly being indefinite. Specifically, the Examiner has rejected claims 1-4 for reciting the allegedly open-ended word "contains" in reference to the number of double bonds and heteroatoms in the heterocyclic ring. The Examiner has suggested replacing the word "has" for "contains." Applicants have amended claim 1 to recite that the heterocyclic ring "has" one, two or three double bonds or heteroatoms.

The Examiner has rejected claims 2-3 as indefinite for reciting the term "N-oxides" because it is allegedly unclear what or how many nitrogen atoms in the compounds of formula (I) form N-oxides. Without conceding the correctness of the Examiner's rejection, Applicants have deleted this term from claims 2 and 3.

The Examiner has also rejected claim 14 for reciting "a compound of the general formula (I)" without providing the structure. Applicants have amended claim 14, as well as withdrawn claims 15-18, to recite the structure of the compound of formula (I).


The amendments to claims 1-3 and 14 are believed to address the present rejections. Reconsideration of claims 1-4 and 14 and withdrawal of the rejections thereof under 35 U.S.C. § 112, second paragraph is respectfully requested.

CONCLUSION

This application is believed to be in condition for allowance, which is earnestly solicited.

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Respectfully submitted,

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